

03-01-02

PTO/SB/05 (11/00)

Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

Attorney Docket No.	540591-7095.1
First Inventor	Jose Gutierrez-Rocca
Title	A SUSTAINED RELEASE PHARMACEUTICAL FORMULATION
Express Mail Label No.	EL 819167707 US

for new nonprovisional applications under 37 CFR 1.53(b))

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 18]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix.
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets \_\_\_\_]
5. ☐ Oath or Declaration [Total Pages \_\_\_\_]
- ☐ Newly executed (original or copy)
- ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table  
or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CFR)
- b. Specification sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & documents(s))
10. ☐ 37 CFR 3.73(b) Statement
- ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach from PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_ /  
Prior application information: Examiner: \_\_\_\_ Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name

Name (Print/Type)	JEROME ROSENSTOCK, ESQ.	Registration No. (Attorney/Agent)	25,456
Signature	<i>Jerome Rosenstock</i>	Date	February 27, 2002

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

TOTAL AMOUNT OF PAYMENT

(\$992.00)

Application Number

Filing Date

First Named Inventor

Jose Gutierrez-Rocca

Examiner Name

Group/Art Unit

Attorney Docket No.

540591-7095-1

## METHOD OF PAYMENT

1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Name

Frommer Lawrence & Haug LLP

Deposit  
Account  
Number

50-0320

☒ Charge any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

☐ Charge the Issue Fee Set in 37 CFR  
1.18 at the Mailing of the Notice of  
Allowance

☐ Payment Enclosed

☒ Check

☐ Money Order

☐ Other

## FEE CALCULATION

### BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					740.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claim	Fee from below	Fee Paid
16	-20** = 0	18	0.00
Ind. Claims	-3** = 3	84	252.00
Multiple Dependent			

\*\* or number previously paid, if greater; for reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
107	510	207	255	Plant filing fee

SUBTOTAL (2) (\$252.00)

## FEE CALCULATION

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or Cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request of reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use Proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive- unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional Applications	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify)

Other fee (specify)

SUBTOTAL (3) (\$0.00)

\* Reduced by Basic Filing Fee

## SUBMITTED BY

Typed or Printed Name

JEROME ROSENSTOCK

Signature

*Jerome Rosenstock*

Date

2/27/02

Complete (if applicable)

Reg. Number

25,456

Deposit Account

50-0320

WARNING: Information on this form may become public. credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

**CERTIFICATE OF MAILING – SEPARATE PAPER**

Attorney Docket No. : 540591-7095.1  
Serial No. : Not Yet Known  
Filed : Herewith  
Applicant(s) : Jose Gutierrez-Rocca

Date of Deposit 02/ 27/02 via "Express Mail" # EL 819167707 US

I hereby certify that a Provisional Patent Application and related documents for the above-referenced application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

Charles Jackson  
(Typed or printed name of person mailing paper or fee)

Charles Jackson  
(Signature of person mailing paper or fee)